

REMARKS

1. Claim amendments

Claims 2 and 3 have been amended to demonstrate more explicitly how the recited features relate to the claimed seal plate.

2. Claim objections

The Office has objected to claims 2 and 3 under 37 CFR § 1.75(c). According to the Office Action, the claims are in improper dependent form. The Applicants have amended claims 2 and 3 to demonstrate more explicitly how the recited features relate to the claimed seal plate. In view of the amendments to claims 2 and 3, the Applicants respectfully request the reconsideration and withdrawal of these claim objections.

3. Anticipation rejections

The Applicants thank the Office for the withdrawal of the anticipation rejections based on Baum and Shanler. The Office has maintained the rejections based on Roberts and Berray.

a. Roberts does not anticipate the amended claims.

The Office has again rejected claims 1-3, 5, 7, 8, 10, and 11 under 35 USC § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2003/0143124 of Roberts, *et al.* (hereinafter, “Roberts”). The Applicants respectfully traverse.

To anticipate the claimed invention, the prior art reference must expressly or inherently disclose each and every element of the claimed invention. Claim 1 of the instant application recites the feature of a sealing element comprising a well having a perforable bottom surface. Roberts discloses no seal plate having well-like sealing elements with perforable bottom surfaces.

The Office has directed the Applicants to the duck-billed valve described in paragraphs [0028] and [0030] and illustrated as (116) in Figures 3-5 of Roberts. This duck-billed valve differs from the perforable bottom surface claimed in the instant application. The duck-billed valve described by Roberts is a preexisting aperture through which fluid may flow when pressure is applied to the portion of the plug immediately above the valve. The mere fact that one can pass a projection (e.g., a needle) through the valve does not imply that the valve constitutes a perforable surface. Indeed, in that instance, the needle would not be perforating the bottom

surface of the well; it would be passing through a preexisting opening. That is, in Roberts, the well is perforated, not perfoable as in the present claims. A perforable bottom surface refers to a surface having no preexisting aperture, such that fluid can only pass through the surface when the surface has been perforated by a projection. This definition does not encompass the duck-billed valve described by Roberts. Therefore, Roberts cannot anticipate claim 1 of the instant application. Because claims 2, 3, 5, 7, 8, 10, and 11 depend from claim 1, they are also not anticipated by Roberts.

The applicants again note that Roberts has an effective priority date that falls after the filing date of the provisional application to which the instant application claims priority. But as Roberts does not anticipate claim 1 of the instant application, the Applicants again elect not to address whether Roberts qualifies as prior art under 102(e). The Applicants make no admission (implied or otherwise) regarding whether Roberts is prior art to the instant application.

b. Berray does not anticipate the amended claims.

The Office has again rejected claims 1-3, 5, 7, 8, 10, and 11 under 35 USC § 102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0187077 of Berray, *et al.* (hereinafter, “Berray”). The Applicants respectfully traverse.

Claim 1 of the instant application recites sealing elements wherein each sealing element comprises a well, wherein the well is “configured to matingly seal either a bottom portion of a corresponding perforated well....” In other words, the sealing element itself has a well configuration. Berray discloses no sealing elements having such well configurations.

The Office directs the Applicants to the indentations (22) that appear on Berray’s sealing mat, depicted in Figures 4 and 5. Berray’s indentations, however, are not configured to matingly seal the openings of the corresponding well. In fact, Berray discloses no embodiments where the indentations ever come into direct contact with the corresponding wells. In Berray, the plug-like structures (26) function as the sealing elements. The indentations (22) are merely the back side of the plugs (26). Nowhere does Berray describe the indentations (22) as performing any kind of sealing function.

Because Berray fails to disclose a sealing element having a well that matingly seals the opening of the corresponding well, Berray cannot anticipate claim 1 of the instant application. Accordingly, neither does Berray anticipate dependent claims 2, 3, 5, 7, 8, 10, and 11.

The applicants again note that Berray has a 102(b) date that post-dates the filing date of the provisional application to which the instant application claims priority. But as Berray does not anticipate claim 1 of the instant application, the Applicants have elected not to address whether Berray qualifies as prior art under 102(b). The Applicants make no admission (implied or otherwise) regarding whether Berray is prior art to the instant application.

e. Conclusion

For the foregoing reasons, neither Roberts nor Berray anticipate claim 1 of the instant application. Therefore, the Applicants respectfully request that the Examiner reconsider and withdraw these two anticipation rejections.

The Applicants believe that the foregoing amendments and remarks fully address all concerns expressed by the Office regarding the instant application and that the claims, as amended, stand in a condition of allowance. The Applicants, therefore, request that the Examiner issue a Notice of Allowance for the instant application without undue delay

If the Examiner has any questions or comments regarding this Response, he is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

Date: May 19, 2008 By: /Michael S. Greenfield/
Michael S. Greenfield
Reg. No. 37,142

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Dr.
Chicago, IL 60606
Telephone: (312) 913-0001
Facsimile: (312) 913-0002